

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RODNEY KYLE,

Plaintiff,

v.

MARION FEATHER, Assistant Warden;
P.D. SHANKS and OFFICER GALLO,

Defendants.

ORDER

09-cv-90-bbc¹

Plaintiff Rodney Kyle is proceeding on a claim that defendants violated his right to equal protection by refusing on the basis of race to allow him to share a cell with another prisoner. In a March 16, 2010 order, I granted plaintiff's motion for appointment of counsel and stayed further proceedings in order to locate counsel for plaintiff.

Courtney R. Heeren, a member of the Wisconsin Bar, has agreed to represent plaintiff, with the understanding that she will serve with no guarantee of compensation for her services. It is this court's intention that the appointment of this attorney to represent

¹ This case was assigned to Judge William M. Conley pursuant to a March 31, 2010 administrative order. However, Judge Conley recused himself from the case in an June 1, 2010 order, so the case has been reassigned to me.

plaintiff extend to proceedings in this court only.²

Plaintiff should understand that because I am appointing counsel to represent him, he may no longer communicate directly with the court about matters pertaining to his case. He must work directly with his lawyer and permit her to exercise her professional judgment to determine which matters are appropriate to bring to the court's attention and in what form. Plaintiff will not have the right to require counsel to raise frivolous arguments or to follow every directive he makes. He should be prepared to accept the strategic decisions made by his lawyer even if he disagrees with some of them, and he should understand that it is unlikely that this court will appoint another lawyer to represent him should plaintiff choose not to work with the first appointed lawyer.

Because it appears that Ms. Heeren has not been admitted into this court's bar, she should either apply for admission to the bar or seek admission pro hac vice. In addition, she should be aware that electronic filing is mandatory in all counseled civil cases. Counsel should register for the electronic filing system as soon as possible. Information on electronic filing and the court's administrative procedures are available on the court's website, www.wiwd.uscourts.gov, under the CM/ECF heading.

² "Proceedings in this court" include all matters leading up to a final judgment on the merits, the filing of a Notice of Appeal, if appropriate, and ensuring that all steps are taken to transfer the record to the Court of Appeals for the Seventh Circuit.

ORDER

IT IS ORDERED that Courtney R. Heeren is appointed to represent plaintiff in this case.

FURTHER, IT IS ORDERED that all proceedings in this case are STAYED pending a status conference to be held before United States Magistrate Judge Stephen Crocker, at which time a new schedule will be set for moving this case to resolution.

Entered this 3rd day of June, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge